THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 2041 of 2006

DATED: 03.02.2006

Between:

Smt. V.Uma Rani.

... PETITIONER

AND

Andhra Pradesh State Road Transport Corporation and another.

... RESPONDENTS

ORDER:

-

The petitioner was employed as a Conductor on 08.02.2000. While she was conducting the bus on Yellareddypet route, on 11.01.2006, an inspection was undertaken at stage No.4/3. It was found that one passenger was traveling without ticket. The Checking Staff collected the fare of Rs.11/- as well as the penalty of Rs.100/- from the passenger. The petitioner was issued a charge sheet, dated 23.01.2006, stating that she did not observe the rule of 'issue and start', and caused loss to the Corporation, by not collecting fare and issuing ticket to a passenger. On the same day, another order was issued putting the petitioner off the duty, which is equivalent to suspension pending enquiry. The petitioner challenges the same.

The learned counsel for the petitioner submits that the passenger, who was

found without ticket, stated to the petitioner that he is a mechanic in A.P.S.R.T.C. and believing the same to be true, the petitioner did not collect the fare from him. He contends that no motives were attributed to the petitioner, even in the impugned order, and having regard to the facts and circumstances of the case, the impugned order is not warranted, at all.

The learned Standing Counsel for the respondents, on the other hand, submits that the petitioner was required to be more careful, in collecting fare and issuing tickets, and her actual liability, in the matter, would emerge only after the departmental enquiry is conducted.

The only allegation against the petitioner is that she failed to collect fare from a passenger and issue ticket. A perusal of the impugned order discloses that not only the fare, but even a penalty of Rs.100/-, was collected from the passenger. The fact that the passenger readily paid the penalty of Rs.100/-, clearly indicates that he made misrepresentation to the petitioner, as to his status, when he was demanded the fare, and in that view of the matter, it cannot, *prima facie*, be said that there was any dereliction of duty, on the part of the petitioner.

Suspension pending enquiry or putting off the duty cannot be resorted to, as a matter of course. It is only when enquiry into grave charges is contemplated or when there is every likelihood of the delinquent employee, tampering with the evidence, that may be used in the enquiry, that he can be placed under suspension. Indiscriminate suspension of employees would result in loss to the organization, apart from causing hardship to them. If the allegation is not serious in nature and the proceedings are dropped, at a later stage, the Corporation would be under obligation to pay the entire salary to the employee, at a later point of time, and by that time, it would have already suffered the disadvantage of not availing the services of the employee. Viewed from that angle, putting the petitioner off the duty, in the instant case, is uncalled for.

For the foregoing reasons, the Writ Petition is allowed, and the order dated 23.01.2006, passed by the 2nd respondent, putting the petitioner off the duty, is set aside. The respondents shall proceed with the departmental enquiry against the petitioner, uninfluenced by any observations made in this order. There shall be no order as to costs.

_____

03.02.2006

Jsu